



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

City Commission

Tuesday, July 21, 2020

5:00 PM

VIRTUAL MEETING

ADA Assistance: It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number 1-800-955-8771 or for voice 1-800-955-8770 or the ADA Coordinator at 305-809-3811 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

CALL MEETING TO ORDER - 5:01 PM

ROLL CALL

Present 7 - Commissioner Davila, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

The agenda was approved unanimously as changed.

COMMENDATIONS

2 KWPD Personnel, Code Compliance and KWFD First Responders

Attachments: [Commendation](#)

Received and Filed

DISCUSSION

- 3 Covid 19 Hospitalizations, Recommendations from Public Health Officials and City Directives to reduce community spread.

Attachments: [Letter from Commissioner Kaufman](#)
[Letter from Mr. David Clay](#)
[Letter from Dr. Norris](#)
[Letter from Dr. Whiteside](#)

Discussed

PRESENTATIONS

- 4 Mom & Pops - Paul Menta

Attachments: [Presentation](#)

Received and Filed

City Attorney's Report

City Manager's Report

CONSENT AGENDA*

*Item is considered to be routine and enacted by one motion with no separate discussion, unless requested by a Commission Member or citizen, in which event the item will be removed from the order and considered in its normal sequence on the agenda. The City of Key West may take action on any matter during this meeting, including items that are not set forth within this agenda.

MINUTES

- 5 *June 16, 2020 (Regular Meeting)

Attachments: [Minutes](#)

Passed

- 6 *June 26, 2020 (Special Meeting)

Attachments: [Minutes](#)

Passed

7 *July 6, 2020 (Workshop)

Attachments: [Minutes](#)

Passed

8 *July 7, 2020 (Workshop)

Passed

Approval of the Consent Agenda

A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow to Approve the Consent Agenda. The motion was carried unanimously.

RESOLUTIONS

9 *Reappointing Frank P. Toppino to the Housing Authority of the City of Key West Board of Commissioners.

Attachments: [Resolution](#)
[Resume](#)
[Request for reappointment](#)

Passed

Enactment No: 20-132

10 *Re-Appointing Cheryl Smith to the Board of Trustees of the General Employees Retirement Plan.

Attachments: [Resolution](#)
[Executive Summary](#)
[Resume](#)

Passed

Enactment No: 20-133

- 11 *Urging the United States Congress to Designate June 19th as "Juneteenth Independence Day," a Federal Holiday to be Recognized Each Year

Attachments: [Resolution](#)
[Fl Statute 683.21 Juneteenth Day](#)

Passed

Enactment No: Res 20-113

- 12 **Withdrawn** - Directing the City Manager to obtain input from community stakeholders to develop policies regarding cruise ships in the City of Key West; Directing the City Manager to report findings at the Commission meeting scheduled for September 1, 2020.

Attachments: [Resolution](#)

Withdrawn

- 13 *Approving the Collective Bargaining Agreement between the City of Key West and Teamsters Local 769, Office and Blue Collar Workers, effective October 1, 2020 through September 30, 2021.

Attachments: [Resolution](#)
[Executive Summary](#)
[Teamster CBA 1 year 6.25.2020](#)
[Teamster Ratification Confirmation 6.25.2020](#)

Passed

Enactment No: Res 20-114

- 14 *Approving the Attached "Memorandum of Understanding Between Monroe County School District (MCSD) and the City of Key West" to Enable the MCSD Fire Academy at Key West High School and the Key West Fire Department to Provide Fire Fighting Training to Students During the 2020-21 School Year; Approving Any Necessary Budget Adjustments.

Attachments: [Resolution](#)
[Executive Summary](#)
[MCSD - KWFD MOU June 23, 2020](#)
[19-233 MOU for Fire Academy](#)

Passed

Enactment No: Res 20-115

- 15 *Approving the Attached "Memorandum of Agreement" Between The Florida Fish and Wildlife Conservation Commission and City of Key West for Parking Lot Use at Garrison Bight" (FWC Contract No. 19165).

Attachments: [Resolution](#)
[Executive Summary MOA Parking](#)
[19165-Key West Parking Use Agreement](#)

Passed

Enactment No: Res 20-116

- 16 *Authorizing the City of Key West to Enter Into a Revocable License Agreement for Nonpermanent Use of City Property with Jill Snodgrass (DBA Daily Plan-It), to Allow the Operation of a Key West Farmer's Market at Truman Waterfront Park Each Thursday, Upon Additional Terms and Conditions Contained in the Agreement (August 1, 2020 through July 31, 2021).

Attachments: [Resolution](#)
 [Exec Summary](#)
 [License Agreement](#)
 [Business License](#)
 [Certificate of Insurance](#)

Passed

Enactment No: Res 20-117

- 17 *Authorizing the City Manager to Execute and Submit to the Federal Transit Administration (FTA) the Attached Triennial Update to the "Federal Transit Administration Title VI/Civil Rights Program Plan".

Attachments: [Resolution](#)
 [Executive Summary](#)
 [2020 Title VI Civil Rights Plan](#)

Passed

Enactment No: Res 20-118

- 18 *Authorizing the Purchase and Installation of 26 CWT With Touchscreen Display Parking Pay Stations, From Cale America, Inc. In an Amount Not to Exceed \$173,890.00, on a Brand Name, Sole Source, and in the Best Interest of the City, Pursuant to Section 2-844, 2-797(1) and 2-797(4)(b) of the Code of Ordinances; Authorizing Necessary Budget Adjustments; Authorizing the City Manager to Execute Necessary Documents Upon Consent of the City Attorney.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Cale Quote - City of Key West - CWT 26 6112020](#)
 [Proposed paystation replacments](#)
 [Brand Name Specification](#)

Passed

Enactment No: Res 20-119

- 19 *Authorizing the Purchase of a Huber WAP Screening Wash press From Huber Technology, Inc. on a Brand Name; Sole Source, and in the Best Interest of the City, Pursuant to Section 2-844, 2-797(1) and 2-797(4)(b) of the Code of Ordinances, In a Total Amount Not to Exceed \$68,750.00; Authorizing Necessary Budget Transfers or Adjustments.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Huber Proposal](#)
 [Sole Source Letter](#)

Passed

Enactment No: Res 20-120

20

*Approving a Task Order Under the City's General Utilities Contract with Charley Toppino and Sons, Inc. In an Amount Not to Exceed \$156,403.24 to Replace Three Discharge Pipes and Repair the Wet Well Liner at Pump Station "D"; Authorizing Any Necessary Budget Transfers; Authorizing the City Manager to Execute Documents Upon Consent of the City Attorney; Rescinding Resolution 20-075.

Attachments: [Resolution](#)
[Executive Summary](#)
[Task Order Proposal](#)
[Resolution 18-322](#)
[General Utilities Services Agreement](#)
[Emergency declaration executed April 24, 2020](#)
[Executive Summary Ratification](#)
[Resolution 20-075](#)

Passed

Enactment No: Res 20-121

21

*Approving Issuance of Task Order No. 7 to Black & Veatch Corporation for Construction Phase Services for Deep Well Injection Pump and HVAC Project at the Richard A Heyman Environmental Protection Facility in an Amount Not to Exceed \$79,747.00; Authorizing Any Necessary Budget Adjustments; Authorizing the City Manager to Execute Documents Upon Consent of the City Attorney.

Attachments: [Resolution](#)
[Executive Summary](#)
[Task Order](#)
[Schedule of Values](#)
[Resolution 17-207](#)
[Black & Veatch Engineering Services Agreement](#)
[Deep Well Injection Pump & HVAC Bid Documents](#)

Passed

Enactment No: Res 20-122

- 22 *Approving Task Order No. 1-19-SWR Amend 1 from CH2M Hill Engineering, Inc. in an Amount not to Exceed \$59,988.15 for Permitting for Trenchless Utility Pipelines Across Fleming Channel to the Richard A. Heyman Environmental Protection Facility; Authorizing the City Manager to Execute Any Necessary Documents Upon Consent of the City Attorney.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Task Order](#)
 [Resolution 17-207](#)
 [CH2M Hill Engineering Services Agreement](#)

Passed

Enactment No: Res 20-123

- 23 *Approving Task Order No. 3-20-STM from CH2M Hill Engineering, Inc. in an Amount not to Exceed \$77,365.82 for Engineering Services for the Key West Stormwater Master Plan 2020 Update, Phase 1; Authorizing Any Necessary Budget Adjustments; Authorizing the City Manager to Execute Any Necessary Documents Upon Consent of the City Attorney.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Task Order](#)
 [Resolution 17-207](#)
 [CH2M Hill Engineering Services Agreement](#)

Passed

Enactment No: Res 20-124

- 24 *Approving the "Memorandum of Agreement Between the Florida Fish and Wildlife Conservation Commission and City of Key West for Office Space at Dockmaster Building" (FWC Contract No. 19122) at Garrison Bight.

Attachments: [Resolution](#)
 [Executive Summary MOA Office](#)
 [19122 Key West Office Space MOA](#)

Passed

Enactment No: Res 20-125

- 25 *Approving the Attached "Contract Addendum" Providing for a One-month Extension (July 1 - July 31, 2020) of the Mutual Aid Agreement between the City of Key West and the Monroe County School District (MCSD) for the Safe-School Officer Program at the Key West High School, Horace O'Bryant Middle School, Poinciana Elementary, Gerald Adams Elementary and Sigsbee Charter.

Attachments: [Resolutions](#)
 [Executive Summary](#)
 [Contract Addendum](#)
 [Resolution 19-304](#)

Passed

Enactment No: Res 20-126

- 26 *Supporting Monroe County's Grant Application for the "Florida Keys Regional Resilience Plan and Neighborhood Livability Outreach Planning".

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Draft Regional Application](#)

Passed

Enactment No: Res 20-127

27

*Authorizing the City Manager to Enter Into an Agreement With Matthew McDowell, Through His Representative Attorney Greg Oropeza, As Current Property Owner, and Douglas Brown as Contracted Buyer of 1300 20th Street, Permitting a Release of Lien Upon Payment by the Owners of the Amount of [\$40,000.00].

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Request for Mitigation](#)
 [Courtesy Notice](#)
 [Notice of Code Violation](#)
 [Notice of Hearing](#)
 [Findings and Orders](#)
 [Filed Lien](#)

Passed

Enactment No: Res 20-128

Approval of the Consent Agenda

A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow to Approve the Consent Agenda. The motion was carried unanimously.

28

Approving and Authorizing the Repair of the Roof at 3420 Northside Drive By Trademark Builder, LLC as Described in the Attached Price Quote Dated November 16, 2019, In an Amount Not to Exceed \$56,300.00 In the Best Interests of the City; Pursuant to Section 2-797 (4) (b) of the Code of Ordinances; Authorizing Any Necessary Budget Adjustments; Authorizing the City Manger or Designee to Execute Any Necessary Documents Upon Consent of the City Attorney.

Attachments: [Resolution](#)
[Executive Summary](#)
[Trademark Builders LLC Proposal](#)
[K2 Summit Proposal](#)
[Roofing by Ruff Inc Proposal](#)
[Contractor Reference - Trademark Builders](#)

A motion was made by Commissioner Wardlow, seconded by Commissioner Weekley, that the Resolution be Passed. The motion carried by the following vote:

Yes: 7 - Commissioner Davila, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: Res 20-129

29

Public Hearing - Relating to the Collection and Disposal of Solid Waste in Key West, Florida; Describing the Method of Assessing Solid Waste Costs Against Assessed Property Located within the City of Key West; Determining the Solid Waste Service Assessments; Directing the Preparation of an Assessment Roll; Authorizing a Public Hearing and Directing the Provision of Notice Thereof.

Attachments: [Resolution](#)
[Executive Summary](#)

A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Billy Wardlow, that the Resolution be Passed. The motion passed by an unanimous vote.

Enactment No: Res 20-130

30

Accepting and approving the Evaluation Committee Ranking of the Firms submitting responses to Request for Proposals (RFP) No. 005-20; Strategic Planning Services; Selecting Elisa Levy Consulting, And Authorizing the City Manager to Negotiate a Contract, upon consent of the City Attorney; Directing that the contract be approved by the City Commission; Authorizing any necessary budget Transfers/Adjustments.

Attachments:

[Resolution](#)

[Strategic Planning Executive Summary](#)

[RFP 005-20 Strategic Planning Services Proposal Rankings](#)

[Elisa Levy Consulting Proposal](#)

[Elisa Levy Powerpoint.pptx](#)

[Raftelis Consulting Proposal](#)

[RFP #005-20 Strategic Planning Services](#)

[MGT Consulting Proposal](#)

[bakertilly Proposal](#)

[Corradino Group Proposal](#)

[Orbis Management Proposal](#)

[PCF Consulting Proposal](#)

[SBrand Consulting Proposal](#)

[Luis Vidal + Architects](#)

[Change of Proposal Opening Date](#)

[Notice of Clarification](#)

[Pre-Bid Sign](#)

A motion was made by Vice Mayor Kaufman, seconded by Commissioner Wardlow, that the Resolution be Passed. The motion carried by the following vote:

Yes: 7 - Commissioner Davila, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: Res 20-131

ORDINANCES – FIRST READING

31

An Uncodified Ordinance of the City of Key West, Florida, Amending Ordinance 20-07 to mandate that individuals wear a face covering in public; Declaring this Ordinance to be an emergency measure; Providing for penalties; Providing for severability; Providing for repeal of inconsistent provision; Providing for an effective and sunset date.

Attachments: [EMERGENCY ORDINANCE](#)
 [Ord. 20-07 Mandate Face Covering](#)
 [Masks For Musicians](#)

A motion was made by Commissioner Weekley, seconded by Vice Mayor Kaufman, that the Ordinance be Amended to include language allowing for the bride and groom of a wedding party be allowed to remove masks to take photos at the ceremony and reception using a common sense approach. The motion carried by the following vote:

Commissioner Davila -Yes
Commissioner Hoover -Yes
Commissioner Kaufman -Yes
Commissioner Lopez -Yes
Commissioner Wardlow -Yes
Commissioner Weekley - Yes
Mayor Johnston - Yes

A motion was made by Vice Mayor Kaufman, seconded by Commissioner Wardlow that the Ordinance be Amended to include language regarding the use of masks during strenuous activity (i.e. biking, walking, swimming, exercising). The motion failed by the following vote:

Yes - Vice Mayor Kaufman, Commissioner Wardlow
No - Commissioner Davila, Commissioner Hoover, Commissioner Lopez,
Commissioner Weekley, Mayor Johnston

A motion was made by Commissioner Weekley, seconded by Vice Mayor Kaufman that the Ordinance be Amended to include language regarding the use of masks for those with chronic illnesses. The motion carried by the following vote:

Commissioner Davila -Yes
Commissioner Hoover -Yes
Commissioner Kaufman -Yes
Commissioner Lopez -Yes
Commissioner Wardlow -Yes
Commissioner Weekley - Yes
Mayor Johnston - Yes

A motion was made by Vice Mayor Kaufman, seconded by Commissioner Lopez that the Ordinance be Amended to include language regarding the allowing of entertainers to perform using a plexiglass barrier and ten foot distance for protection. The motion carried by the following vote:

Yes - Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley

No - Commissioner Davila, Commissioner Hoover, Mayor Johnston

A motion was made by Commissioner Weekley, seconded by Vice Mayor Kaufman to Approve the Ordinance with amendments and additional changes recommended by the City Attorney. The motion carried by the following vote:

Yes: 7 - Commissioner Davila, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: Ord 20-08

32

An Ordinance pursuant to section 8.01 of the Key West Charter, proposing that Section 8.03 of the Key West Charter be amended to permit non ad valorem bonding in the event of a public emergency upon a supermajority vote of the City Commission; Setting the General Election date of November 3, 2020 as the date of referendum; rescinding ordinance 20-05 (which proposed an identical referendum for the election of August 18, 2020); providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

Attachments: [Ordinance - Referendum](#)
 [Ordinance 20-05](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow, that the Ordinance be Passed to Second Reading. The motion carried by the following vote:

Yes: 7 - Commissioner Davila, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

33

Proposed to be Postponed by City Staff

An Ordinance of the City of Key West, Florida, amending the boundaries of the Official Zoning Map categories of the Historic Medium Density Residential (HMDR) and the Historic Neighborhood Commercial District (HNC-3) pursuant to Chapter 90, Article VI, Division 2 of the Land Development Regulations; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Attachments: [Ordinance](#)
[Executive Summary](#)
[Presentation](#)
[Planning Board Resolution 2020-02](#)
[*Large File* Planning Packet](#)
[*Large File* 909 page submittal from Neighbors](#)
[Request to Postpone](#)
[Letters of Objection from surrounding neighbors](#)
[Neighbors' Objection to Commission Proceedings](#)
[Letter from Todd Santoro](#)
[Letter from Robert Walsh](#)
[Letter from Marci Rose](#)

A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Billy Wardlow, that the Ordinance be Postponed to September 16, 2020. The motion passed by an unanimous vote.

34

Proposed to be Postponed by City Staff

An Ordinance of the City of Key West, Florida, amending the City's Comprehensive Plan, Chapter 1, entitled "Future Land Use Element", amending boundaries of the Historic Residential (HR) and Historic Commercial (HC); Pursuant to Chapter 90, Article VI, Division 3 of the Land Development Regulations; Providing for severability; Providing for repeal of inconsistent provisions; Providing for inclusion into the City of Key West Comprehensive Plan; Providing for an effective date.

Attachments: [Ordinance](#)
[Executive Summary](#)
[Presentation](#)
[Planning Board Resolution 2020-01](#)
[*Large File* Planning Packet](#)
[*Large File* 909 page submittal from Neighbors](#)
[Request to Postpone](#)
[Letters of Objection from surrounding neighbors](#)
[Neighbors' Objection to Commission Proceeding](#)
[Presentation on Flum Amendment.pdf](#)
[Letter from Todd Santoro](#)
[Letter from Robert Walsh](#)
[Letter from Marci Rose](#)

A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Clayton Lopez, that the Ordinance be Postponed to September 16, 2020. The motion passed by an unanimous vote.

ORDINANCES - SECOND READING (Public Hearing)

35

An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances, entitled "Traffic and Vehicles" by amending Section 70-1 by adding the definition of "Right-of-Way"; amending Section 70-116 to clarify prohibited uses of Rights-of-Way; Providing penalties; Providing additional enforcement measures and procedures; By amending Section 70-117 to clarify and provide for penalties; Providing additional enforcement measures and procedures; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Attachments: [Ordinance](#)
 [Proposed Amendments for second reading](#)
 [Public Comment - Item 14](#)

A motion was made by Commissioner Weekley, seconded by Vice Mayor Kaufman, that the Ordinance be Adopted. The motion carried by the following vote:

Yes: 7 - Commissioner Davila, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: Ord 20-09

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT - 9:17 PM